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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number 2013 - 645

13 **KAREN LOUISE WARING**  
4195 Hwy 68 C779  
Golden Valley, Arizona 86413

**A C C U S A T I O N**

14 **Registered Nurse License Number 712801**

15 Respondent.

16  
17 Complainant Louise R. Bailey, M.Ed., R.N., alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive  
20 Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

21 2. On or about September 20, 2007, the Board issued Registered Nurse License Number  
22 712801 to respondent Karen Louise Waring. This registered nurse license was in full force and  
23 effect at all times relevant to the charges brought in this Accusation and will expire on November  
24 30, 2014, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1           4.     Section 118, subdivision (b) provides:

2           “The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
3 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order  
4 of a court of law, or its surrender without the written consent of the board, shall not, during any  
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
7 provided by law or to enter an order suspending or revoking the license or otherwise taking  
8 disciplinary action against the licensee on any such ground.”

9           5.     Section 2750 provides:

10          “Every certificate holder or licensee, including licensees holding temporary licenses, or  
11 licensees holding licenses placed in an inactive status, may be disciplined as provided in this  
12 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this  
13 article, ‘license’ includes certificate, registration, or any other authorization to engage in practice  
14 regulated by this chapter. The proceedings under this article shall be conducted in accordance  
15 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
16 Government Code, and the board shall have all the powers granted therein.”

17          6.     Section 2759 provides:

18          “The board shall discipline the holder of any license, whose default has been entered or  
19 who has been heard by the board and found guilty, by any of the following methods:

20               “(a) Suspending judgment.

21               “(b) Placing him upon probation.

22               “(c) Suspending his right to practice nursing for a period not exceeding one year.

23               “(d) Revoking his license.

24               “(e) Taking such other action in relation to disciplining him as the board in its discretion  
25 may deem proper.”

26          7.     Section 2764 provides:

27          “The lapsing or suspension of a license by operation of law or by order or decision of the  
28 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the

1 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
2 against such license, or to render a decision suspending or revoking such license.”

### 3 STATUTORY AUTHORITY

4 8. Section 2761 provides, in pertinent part:

5 “The board may take disciplinary action against a certified or licensed nurse or deny an  
6 application for a certificate or license for any of the following:

7 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 ...

9 “(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
10 against a health care professional license or certificate by another state or territory of the United  
11 States, by any other government agency, or by another California health care professional  
12 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
13 action.

14 ...

15 “(e) Making or giving any false statement or information in connection with the application  
16 for issuance of a certificate or license.”

### 17 COST RECOVERY

18 9. Section 125.3 provides, in pertinent part:

19 “(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
20 proceeding before any board within the department or before the Osteopathic Medical Board,  
21 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
22 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
23 to exceed the reasonable costs of the investigation and enforcement of the case.

24 ...

25 “(i) Nothing in this section shall preclude a board from including the recovery of the costs  
26 of investigation and enforcement of a case in any stipulated settlement.”

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## FACTUAL BACKGROUND

10. Respondent is a registered nurse in Arizona under license number RN143143. On or about April 1, 2009, respondent reported to the Arizona State Board of Nursing (Arizona Board) that she had been arrested for driving under the influence of alcohol. She subsequently was sentenced for that misdemeanor violation on or about December 14, 2009, in the Justice Court in Laughlin, Nevada, case number 09CRL000911-0000.

11. Based on respondent's reported arrest, the Arizona Board conducted an investigation into other aspects of respondent's practice. On or about May 21, 2010, respondent and the Arizona Board entered into a Consent Agreement which stated that respondent violated numerous provisions of the Arizona Administrative Code including, but not limited to, the following:

- Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient.
- A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location.
- Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices.
- If a licensee or applicant is charged with a felony or a misdemeanor involving conduct that may affect patient safety, failing to notify the Arizona Board in writing within 10 days of being charged.
- Practicing in any other manner that gives the Arizona Board reasonable cause to believe the health of a patient or the public may be harmed.
- Making a written false or inaccurate statement to the Arizona Board or its designee in the course of an investigation.

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1 That same day, the Arizona Board issued an Order accepting the Consent Agreement and  
2 assessing respondent a civil penalty of \$250.00 for the violations.

3 12. On or about August 31, 2010, respondent submitted to the California Board of  
4 Registered Nursing an application to renew Registered Nurse License Number 712801.  
5 Respondent previously renewed Registered Nurse License Number 712801 in 2008. In the on-  
6 line Supplemental Information Report to that August 31, 2010, application, she answered "No" to  
7 the following question: "Since You Last Renewed Your License, Have You Had Any License  
8 Disciplined By A Government Agency Or Other Disciplinary Body; Or, Have You Been  
9 Convicted Of Any Crime In Any State, The U S A And Its Territories, Military Court Or A  
10 Foreign Country?"

### 11 **CAUSES FOR DISCIPLINE**

#### 12 **FIRST CAUSE FOR DISCIPLINE** 13 **Bus. & Prof. Code, § 2761, subd. (a)(4)** 14 **Unprofessional Conduct: Out-of-State Disciplinary Action**

15 13. The allegations of paragraphs 10-12 are realleged and incorporated by reference as if  
16 fully set forth.

17 14. Respondent has subjected her registered nurse license to disciplinary action under  
18 section 2761, subdivision (a)(4), for the unprofessional conduct of disciplinary action against a  
19 health care professional license by another state or territory of the United States or by any other  
20 government agency. As set forth in paragraphs 10-12 above, the Arizona Board issued an Order  
21 accepting a Consent Agreement which stated that respondent committed numerous violations of  
22 the Arizona Administrative Code, and fining respondent \$250.00 for those violations.

#### 23 **SECOND CAUSE FOR DISCIPLINE** 24 **Bus. & Prof. Code, § 2761, subd. (e)** 25 **False Statement in Connection with the Application for Issuance of a License**

26 15. The allegations of paragraphs 10-12 are realleged and incorporated by reference as if  
27 fully set forth.

28 16. Respondent has subjected her registered nurse license to disciplinary action under  
section 2761, subdivision (e), for making or giving any false statement or information in  
connection with the application for issuance of a certificate or license. As set forth in paragraphs

1 10-12 above, she stated in the on-line Supplemental Information Report to her August 31, 2010,  
2 application to renew Registered Nurse License Number 712801 that she had not had any license  
3 disciplined by a government agency or other disciplinary body. In fact, the Arizona Board issued  
4 an Order accepting a Consent Agreement which stated that respondent committed numerous  
5 violations of the Arizona Administrative Code, and fining respondent \$250.00 for those  
6 violations.

7 **THIRD CAUSE FOR DISCIPLINE**  
8 **Bus. & Prof. Code, § 2761, subd. (e)**  
9 **False Statement in Connection with the Application for Issuance of a License**

10 17. The allegations of paragraphs 10-12 are realleged and incorporated by reference as if  
11 fully set forth.

12 18. Respondent has subjected her registered nurse license to disciplinary action under  
13 section 2761, subdivision (e), for making or giving any false statement or information in  
14 connection with the application for issuance of a certificate or license. As set forth in paragraphs  
15 10-12 above, she stated in the on-line Supplemental Information Report to her August 31, 2010,  
16 application to renew Registered Nurse License Number 712801 that she had not been convicted  
17 of any crime in any state. In fact, respondent was convicted of a misdemeanor violation of  
18 driving under the influence of alcohol, and sentenced for that violation on or about December 14,  
19 2009, in the Justice Court in Laughlin, Nevada.

20 **PRAYER**

21 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
22 Accusation, and that following the hearing, the Board issues a decision:

23 1. Revoking or suspending Registered Nurse License Number 712801 issued to  
24 respondent Karen Louise Waring;

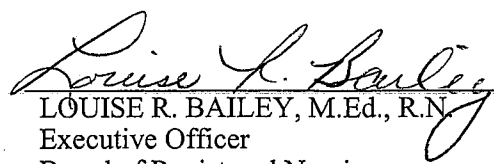
25 2. Ordering Karen Louise Waring to pay the Board the reasonable costs of the  
26 investigation and enforcement of this case pursuant to Business and Professions Code section  
27 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: FEBRUARY 20, 2013

  
LOUISE R. BAILEY, M.Ed., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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